

try, shall develop a career path, including development opportunities, exchanges, talent management programs, and training, for the cadre. The Under Secretary may use existing authorities to staff the cadre, including those in paragraphs (2), (3), (4), and (6).

(2) Civilian personnel from within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands may be assigned to serve as members of the cadre, upon request of the Director.

(3) The Under Secretary may use the authorities for highly qualified experts under section 9903 of title 5, to hire experts as members of the cadre who are skilled professionals in intellectual property and related matters.

(4) The Under Secretary may enter into a contract with a private-sector entity for specialized expertise to support the cadre. Such entity may be considered a covered Government support contractor, as defined in section 3775(a) of this title.

(5) In establishing the cadre, the Under Secretary shall give preference to civilian employees of the Department of Defense, rather than members of the armed forces, to maintain continuity in the cadre.

(6) The Under Secretary is authorized to use amounts in the Defense Acquisition Workforce Development Fund for the purpose of recruitment, training, and retention of the cadre, including paying salaries of newly hired members of the cadre for up to three years.

(Added and amended Pub. L. 116-283, div. A, title XVIII, § 1877, Jan. 1, 2021, 134 Stat. 4291.)

PRIOR PROVISIONS

A prior section 1707, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639; amended Pub. L. 103-160, div. A, title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 107-107, div. A, title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225, related to personnel in the Office of the Secretary of Defense and in the Defense Agencies, prior to repeal by Pub. L. 108-136, div. A, title VIII, § 831(a), Nov. 24, 2003, 117 Stat. 1549.

CODIFICATION

The text of subsec. (b) of section 2322 of title, which was transferred to this section and amended by Pub. L. 116-283, § 1877(b)-(e), was based on Pub. L. 115-91, div. A, title VIII, § 802(a)(1), Dec. 12, 2017, 131 Stat. 1450.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 1877(b)(1), redesignated subsec. (b)(1) of section 2322 of this title as subsec. (a) of this section and inserted heading.

Subsec. (b). Pub. L. 116-283, § 1877(b)(3), (c), redesignated subsec. (b)(2) of section 2322 of this title as subsec. (b) of this section, inserted heading, inserted dash after “Secretary”, and reorganized remainder of text into designated pars. (1) and (2).

Subsec. (c). Pub. L. 116-283, § 1877(b)(3), (d), redesignated subsec. (b)(3) of section 2322 of this title as subsec. (c) of this section, inserted heading, and redesignated subpars. (A) to (F) as pars. (1) to (6), respectively. Amendment by section 1877(d) was executed to subsec. (c) of this section to reflect the probable intent of Congress, notwithstanding directory language amending subsec. (c) of section “17017”.

Subsec. (d). Pub. L. 116-283, § 1877(b)(3), (e)(1), (2), redesignated subsec. (b)(4) of section 2322 of this title as subsec. (d) of this section, inserted heading, and redesignated subpars. (A) to (F) as pars. (1) to (6), respectively.

Subsec. (d)(1). Pub. L. 116-283, § 1877(e)(3), in first sentence, substituted “subsection (a)” for “paragraph (1)” and “subsection (b)” for “paragraph (2)” and, in third sentence, substituted “paragraphs (2), (3), (4), and (6)” for “subparagraphs (B), (C), (D), and (F)”.

Subsec. (d)(4). Pub. L. 116-283, § 1877(e)(4), substituted “section 3775(a)” for “section 2320”.

EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

SUBCHAPTER II—ACQUISITION POSITIONS AND ACQUISITION WORKFORCE CAREER FIELDS

Sec.	
1721.	Designation of acquisition positions and acquisition workforce career fields.
1722.	Career development.
1722a.	Special requirements for military personnel in the acquisition field.
1722b.	Special requirements for civilian employees in the acquisition field.
1723.	General education, training, and experience requirements.
1724.	Contracting positions: qualification requirements.
1725.	Senior Military Acquisition Advisors.

AMENDMENTS

2019—Pub. L. 116-92, div. A, title VIII, § 861(f)(2)(B), (3)(A), Dec. 20, 2019, 133 Stat. 1518, substituted “ACQUISITION POSITIONS AND ACQUISITION WORKFORCE CAREER FIELDS” for “DEFENSE ACQUISITION POSITIONS” in heading for subchapter II and “Designation of acquisition positions and acquisition workforce career fields” for “Designation of acquisition positions” in item 1721.

2016—Pub. L. 114-328, div. A, title VIII, § 866(a)(2), Dec. 23, 2016, 130 Stat. 2306, added item 1725.

2011—Pub. L. 111-383, div. A, title VIII, § 873(a)(2), Jan. 7, 2011, 124 Stat. 4303, added item 1722b.

2009—Pub. L. 111-84, div. A, title X, § 1073(c)(6), Oct. 28, 2009, 123 Stat. 2474, amended Pub. L. 110-417, § 834(a)(2). See 2008 Amendment note below.

2008—Pub. L. 110-417, [div. A], title VIII, § 834(a)(2), Oct. 14, 2008, 122 Stat. 4537, as amended by Pub. L. 111-84, div. A, title X, § 1073(c)(6), Oct. 28, 2009, 123 Stat. 2474, added item 1722a.

2003—Pub. L. 108-136, div. A, title VIII, § 836(2), Nov. 24, 2003, 117 Stat. 1551, struck out item 1725 “Office of Personnel Management approval”.

§ 1721. Designation of acquisition positions and acquisition workforce career fields

(a) DESIGNATION.—The Secretary of Defense shall designate in regulations those positions in the Department of Defense that are acquisition positions for purposes of this chapter. The Secretary shall also designate in regulations those career fields in the Department of Defense that are acquisition workforce career fields for purposes of this chapter.

(b) REQUIRED POSITIONS.—In designating the positions under subsection (a), the Secretary shall include, at a minimum, all acquisition-related positions in the following areas:

- (1) Program management.
- (2) Systems planning, research, development, engineering, and testing.
- (3) Procurement, including contracting.
- (4) Industrial property management.

- (5) Logistics.
- (6) Quality control and assurance.
- (7) Manufacturing and production.
- (8) Business, cost estimating, financial management, and auditing.
- (9) Education, training, and career development.
- (10) Construction.
- (11) Security cooperation.
- (12) Intellectual property.
- (13) Other positions, as necessary.

(c) **MANAGEMENT HEADQUARTERS ACTIVITIES.**—The Secretary also shall designate as acquisition positions under subsection (a) those acquisition-related positions which are in management headquarters activities and in management headquarters support activities. For purposes of this subsection, the terms “management headquarters activities” and “management headquarters support activities” have the meanings given those terms in Department of Defense Directive 5100.73, entitled “Department of Defense Management Headquarters and Headquarters Support Activities”, dated November 12, 1996.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1640; amended Pub. L. 102-25, title VII, §701(j)(1), Apr. 6, 1991, 105 Stat. 116; Pub. L. 105-85, div. A, title IX, §912(f), Nov. 18, 1997, 111 Stat. 1862; Pub. L. 115-91, div. A, title VIII, §802(b), Dec. 12, 2017, 131 Stat. 1451; Pub. L. 116-92, div. A, title VIII, §861(d), (f)(1), (2)(A), Dec. 20, 2019, 133 Stat. 1517.)

AMENDMENTS

2019—Pub. L. 116-92, §861(f)(2)(A), substituted “Designation of acquisition positions and acquisition workforce career fields” for “Designation of acquisition positions” in section catchline.

Subsec. (a). Pub. L. 116-92, §861(f)(1), inserted at end “The Secretary shall also designate in regulations those career fields in the Department of Defense that are acquisition workforce career fields for purposes of this chapter.”

Subsec. (b)(11). Pub. L. 116-92, §861(d)(1), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “Joint development and production with other government agencies and foreign countries.”

Subsec. (b)(13). Pub. L. 116-92, §861(d)(2), added par. (13).

2017—Subsec. (b)(12). Pub. L. 115-91 added par. (12).

1997—Subsec. (c). Pub. L. 105-85 substituted “November 12, 1996” for “November 25, 1988”.

1991—Subsec. (c). Pub. L. 102-25 substituted “Activities”, dated” for “Activities,” dated” in last sentence.

DEADLINE FOR DESIGNATION OF CAREER FIELDS

Pub. L. 116-92, div. A, title VIII, §861(f)(4), Dec. 20, 2019, 133 Stat. 1518, provided that: “Not later than the end of the six-month period beginning on the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall carry out the requirements of the second sentence of section 1721(a) of title 10, United States Code (as added by paragraph (1)).”

TWENTY PERCENT REDUCTION IN DEFENSE ACQUISITION WORKFORCE

Pub. L. 101-510, div. A, title IX, §905, Nov. 5, 1990, 104 Stat. 1621, required Secretary of Defense to reduce number of employees in Department of Defense acquisition workforce on last day of each of fiscal years 1991 through 1995 below number of employees in such workforce on last day of preceding fiscal year by not less than number equal to 4 percent of number of employees

in such workforce on Sept. 30, 1990, and which defined “Department of Defense acquisition workforce”, prior to repeal by Pub. L. 102-190, div. A, title IX, §904, Dec. 5, 1991, 105 Stat. 1451.

DEADLINE FOR DESIGNATION OF ACQUISITION POSITIONS

Pub. L. 101-510, div. A, title XII, §1209(b), Nov. 5, 1990, 104 Stat. 1666, as amended by Pub. L. 102-25, title VII, §704(b)(3)(B), Apr. 6, 1991, 105 Stat. 119; Pub. L. 103-160, div. A, title IX, §904(f), Nov. 30, 1993, 107 Stat. 1729, provided that the designation of acquisition positions required by this section was to be made by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, not later than Oct. 1, 1991.

§ 1722. Career development

(a) **CAREER PATHS.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall ensure that an appropriate career path for civilian and military personnel who wish to pursue careers in acquisition is identified for each acquisition workforce career field in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the armed forces to the most senior acquisition positions. The Secretary shall make available published information on such career paths.

(b) **LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.**—(1) The Secretary of Defense shall ensure that no requirement or preference for a member of the armed forces is used in the consideration of persons for acquisition positions, except as provided in the policy established under paragraph (2).

(2)(A) The Secretary shall establish a policy permitting a particular acquisition position to be specified as available only to members of the armed forces if a determination is made, under criteria specified in the policy, that a member of the armed forces is required for that position by law, is essential for performance of the duties of the position, or is necessary for another compelling reason.

(B) Not later than December 15 of each year, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary a report that lists each acquisition position that is restricted to members of the armed forces under such policy and the recommendation of the Under Secretary as to whether such position should remain so restricted.

(c) **OPPORTUNITIES FOR CIVILIANS TO QUALIFY.**—The Secretary of Defense shall ensure that civilian personnel are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior acquisition positions.

(d) **BEST QUALIFIED.**—The Secretary of Defense shall ensure that the policies established under this chapter are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

[(e) Repealed. Pub. L. 107-107, div. A, title X, §1048(e)(3), Dec. 28, 2001, 115 Stat. 1227.]

(f) **ASSIGNMENTS POLICY.**—(1) The Secretary of Defense shall establish a policy on assigning military personnel to acquisition positions that provides for a balance between (A) the need for personnel to serve in career broadening positions, and (B) the need for requiring service in